

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

(1) MANUEL LOPEZ, and )  
(2) AGUSTINE ARRIAGE )  
 )  
 Plaintiffs, )  
 )  
 v. ) Case No.: CIV-15-1040-HE  
 ) (Formerly Oklahoma County  
(1) THE QUIKRETE COMPANIES, INC., ) Case No. CJ-2015-1421)  
 )  
 Defendant. )

**NOTICE OF REMOVAL**

Defendant, The Quikrete Companies, Inc. (“Defendant”), pursuant to 28 U.S.C. §§ 1331, 1332, 1367, 1441, and 1446, removes this case to the United States District Court for the Western District of Oklahoma. In support of removal, Defendant states as follows:

1. Manual Lopez and Agustine Arriage (collectively “Plaintiffs”) commenced this action by filing a Petition docketed at No. CJ-2015-1421 in the District Court of Oklahoma County on March 6, 2013.
2. On or about September 2, 2015, Defendant was served with the state court summons and a copy of the original petition via service by certified mail upon their registered service agent CT Corporation.
3. In the Petition, Plaintiffs assert a claim for race discrimination in Count 1 of their Petition. Petition at ¶¶ 22-26 (attached hereto as Exhibit 1). Plaintiffs also assert claims for wrongful discharge in violation of public policy in Count 2 of their petition, and for negligent training, supervision and retention in Count 3 of their petition.

4. The Petition specifically references each Plaintiff's Charge of Discrimination filed with the Equal Employment Opportunity Commission ("EEOC") and the Notice of Right to Sue issued by the EEOC to each Plaintiff. Petition at ¶¶ 9-12.

5. Therefore, the above-described action is a civil action over which the United States District Court has federal question jurisdiction in that Plaintiffs claim damages arising from Defendant's purported violation of a federal anti-discrimination statute (as a federal statute is necessarily implicated by filing an EEOC charge). Therefore, the Court has jurisdiction pursuant to 28 U.S.C. § 1331. Further, the Court has supplemental jurisdiction over the state law claims in Plaintiffs' Petition pursuant to 28 U.S.C. § 1367.

6. Defendant is a Delaware corporation with its principal place of business in Atlanta, Georgia. See Puckett Declaration (attached hereto as Exhibit 3). Plaintiffs allege that they are citizens and residents of Oklahoma. Petition at ¶¶ 1-2.

7. Plaintiffs, in their Petition, state that they seek damages "in excess of \$75,000." Petition at 4.

8. Therefore, the parties are completely diverse, the amount-in-controversy requirement has been met, and the Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332.

9. This Notice of Removal is filed within thirty (30) days of the receipt of the initial pleading; therefore, the Notice of Removal has been timely filed pursuant to 28 U.S.C. § 1446.

10. There are no hearings currently set in state court.

11. All procedures pursuant to 28 U.S.C. § 1446 have been followed.

12. In accordance with the requirements under 28 U.S.C. § 1446(d), Defendant gives notice of this removal by appropriately filing its Notice of Removal in the United States District Court for the Western District of Oklahoma and by serving a copy of this Notice of Removal on Plaintiff's attorney. Defendant has also filed on this date a Notice of Filing Notice of Removal in the District Court of Oklahoma County, Oklahoma.

13. Pursuant to LCvR 81.2 and 28 U.S.C. § 1446(a), attached are clear and legible copies of each of the following:

- (a) Plaintiff's Petition, Summons, and Entry of Appearance, Exhibit 1;
- (b) OSCN Docket Case Summary, Exhibit 2.

WHEREFORE, Defendant respectfully gives notice that this case has been removed from the District Court of Oklahoma County, Oklahoma, to the United States District Court for the Western District of Oklahoma.

Respectfully submitted,

/s/Tony G. Puckett  
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**ATTORNEYS FOR DEFENDANT**

**CERTIFICATE OF SERVICE**

I hereby certify that on this 22nd day of September, 2015, I sent the above and foregoing notice of removal to Plaintiff's counsel at the address listed below by first class mail and electronically transmitted the attached document to the Clerk of the Court using the ECF system for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Rachel L. Bussett  
Ashley C. Weyland  
Bussett Law Firm, P.C.  
3555 N.W. 58th St., Suite 1010  
Oklahoma City, OK 73112

**ATTORNEYS FOR PLAINTIFF**

*/s/Tony G. Puckett*  
Tony G. Puckett